

NAVICPIA08 PROVISIONAL BILLING PRICES (DEC 91)

Upon written request of the contractor to the PCO, an amendment to an order may be issued at the sole discretion of the PCO permitting the contractor to invoice and be paid a billing price equal to <____>% of the unit price inserted by the contractor for each such article delivered and accepted, subject to the following conditions:

(1) A billing price under any order will not be established unless the contractor has submitted his price proposal and delivery schedule for the order.

(2) A billing price under an order will not be established with respect to any article on such order for which contract prices have been established in accordance with other provisions of this contract.

(3) A billing price will not be established under an order unless the contractor certifies, in connection with his request for the establishment of the billing price, that the prices inserted by the contractor on an order have been computed on the basis of the contractor's book and records, and that, to the best of the contractor's knowledge and belief, the costs which the contractor will incur in connection with any article for which the establishment of billing prices is requested will not be less than <____>% of the price inserted by the contractor on the order for such articles. In addition, a condition precedent to the establishment of billing prices shall be the contractor's submission of firm prices for the order supported by cost or pricing data when required by FAR 15.403-4.

(4) A billing price will only be authorized when, in addition to the foregoing, special circumstances such as (but not limited to) the acceleration of deliveries by the contractor in advance of contractual schedules in order to coincide with accelerated government programs and missions are present.

(5) The total of all payments (including but not limited to progress payments and provisional billing prices payments) made by the government for such unpriced order or unpriced modification will in no event exceed 50% or the negotiated overall ceiling price for that unpriced order or unpriced modification, or <3>% of the negotiated overall ceiling price for that unpriced modification or unpriced order when, upon receipt of a qualifying proposal and when requested by the contractor, the PCO modifies the unpriced order or unpriced modification in writing to so provide.

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